

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

STATE OF LOUISIANA, STATE OF
MISSOURI, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., in his official
capacity as President of the United States,
et al.,

Defendants.

Case No. 3:22-cv-01213-TAD

DECLARATION OF JOHN J. VECCHIONE, ESQ.

1. I, John J. Vecchione, am over the age of 18 and make this Declaration in support of Plaintiffs' class certification motion and to provide the Court with information regarding NCLA and its attorneys for that motion.

2. I make this Declaration based on personal knowledge as to my background and that of NCLA.

3. The New Civil Liberties Alliance ("NCLA") is a nonpartisan, nonprofit civil rights organization and public-interest law firm founded to challenge multiple constitutional defects in the modern administrative state through original litigation, *amicus curiae* briefs, and other means.

4. NCLA was founded by Philip Hamburger, the Maurice and Hilda Friedman Professor of Law at Columbia Law School. His publications include, *Is Administrative Law Unlawful?* (Chicago, 2014).

5. NCLA aims to defend civil liberties, primarily by asserting constitutional constraints on the administrative state. The unconstitutional and unlawful actions of administrative agencies is the object of NCLA's representations.

6. NCLA's Board of Advisors is chaired by retired Circuit Judge of the U.S. Court of Appeals for the D.C. Circuit Hon. Janice Rodgers Brown and includes, among others, Former Commissioner of the U.S. Commission on Civil Rights Jennifer Braceras.

7. NCLA has, in its five years of existence, represented individuals against the government in courts all over the country.

8. I have been a member of the New York State Bar for over 32 years. I am a member of the bar of U.S. Court of Appeals for the Fifth Circuit, where this Court sits, as well as others including the bar of the Supreme Court of the United States. I graduated *cum laude* from Georgetown University Law Center and clerked for a federal district judge in the U.S. District Court for the District of New Jersey.

9. A Westlaw search reveals that I appear in more than a hundred reported decisions (in official reporters or Westlaw) going back to the 1990's. I have appeared in state courts as well.

10. I have tried complex civil cases (more than three-week trials) to verdict at least a dozen times.

11. I have experience in mass tort and mass representation, having been a member, while at my own firm, of the Plaintiffs' Steering Committee ("PSC") for the *Aredia Zometa Products Liability Litigation* from its inception to its conclusion. See *In re Aredia Zometa Prod. Liab. Litig.*, No. 3-06-1760, 2011 WL 2182824, *2 (identifying members of

the PSC and describing the litigation up to that time). In that case, a motion for class certification was made but denied. *Id.* at *4.

12. I have been involved in public interest litigation since at least 2016 with the organization Cause of Action Institute (“CoA”) where I was President and CEO, and subsequently with NCLA as Senior Litigation Counsel.

13. I have appeared in many cases representing plaintiffs against the federal government in complex litigation. *See, e.g., Judicial Watch, Inc. v. Kerry*, 844 F.3d 952 (2016); *Limnia, Inc. v. U.S. Dep’t of Energy*, 857 F.3d 379 (2017); *Federal Trade Comm’n v. D-Link Sys., Inc.*, No. 17-cv-00039, 2018 WL 604192 (N.D. Cal.).

14. I recently prevailed on a motion for class certification and was appointed class counsel by U.S. District Judge Susie Morgan of the U.S. District Court for the Eastern District of Louisiana in a case against three federal agencies and their chief officers, *Rivers End Outfitters, LLC v. U.S. Department of Commerce*, Case No. 2:20-cv-2312 (E.D. La.). A copy of the Order of the Eastern District of Louisiana granting class certification and appointing me as class counsel is attached hereto as Exhibit A.

15. Counsel for the private Plaintiffs are coordinating closely in the litigation of this case with counsel for the State of Louisiana and the State of Missouri, who also have extensive experience in handling complex litigation against the federal government.

16. Given the mission of NCLA and my experience it is my view that I am fully capable of representing the members of the proposed class.

I declare under penalty of perjury that the foregoing is true and correct.

Executed On: March 9, 2023

/s/ John J. Vecchione
John J. Vecchione, Esq.

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

MEXICAN GULF FISHING
COMPANY, *et al.*

Plaintiffs,

v.

U.S. DEPARTMENT OF COMMERCE,
et al.

Defendants.

: Civil Action No. 2:20-cv-2312
:
: Section "E" (1)
:
: Judge Suzie Morgan
:
: Magistrate Judge Janis Van Meerveld
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:
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ORDER

Considering the foregoing Unopposed Motion to Amend or Alter Class Certification and To Confirm Class Counsel filed by Plaintiffs,

IT IS ORDERED that the unopposed Motion is hereby GRANTED.

IT IS FURTHER ORDERED that this action may be maintained as class action pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure, in as much as Defendants have acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole.

IT IS FURTHER ORDERED that Mr. A. Gregory Grimsal from Gordon, Arata, Montgomery, Barret, McCollam, Duplantis & Eagan, LLC and Mr. John J. Vecchione from the New Civil Liberties Alliance shall act as class counsel in this case.

New Orleans, Louisiana, this 7th day of July, 2021.


UNITED STATES DISTRICT JUDGE